

#### 4VAC15-20-240

#### Definitions and Miscellaneous: In General: Use of drones for certain activities prohibited.

##### Summary:

This proposal is to modify the current unmanned aerial vehicles (drone/UAV) language to include a time restriction for use as related to hunting/scouting purposes.

##### Proposed language of amendment:

#### 4VAC15-20-240. Use of drones for certain activities prohibited.

- A. Except as authorized by the Director or the director's designee, it shall be unlawful at any time for any person to use a drone or unmanned aircraft:
1. To hunt, take, or kill a wild animal or to drive or herd any wild animal for the purpose of hunting, trapping, or killing.
  2. ~~To attempt to locate, surveil, aid, or assist in the hunting of any wild animal.~~
  3. To harass any wild animal. For the purposes of this section, "harass" means any action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns, which include breeding, feeding, or sheltering.
  4. On department-owned lands, except that department employees and contractors or agents acting on behalf of the department may use drones or other unmanned aircraft when addressing human safety, law enforcement, management, or other needs approved by the department.
- Provided further, it shall be unlawful for any person to hunt or assist another to hunt on the same calendar day on a property after having used a drone or unmanned aircraft to locate or surveil any wild animal during any open season.
- B. No part of this section shall be construed to restrict the use of drones or other unmanned aircraft for wildlife management activities conducted or authorized by the department; by employees of the United States government or any of its agencies whose responsibility includes fisheries and wildlife management; or by county, city, or town animal control officers in the performance of their official duties.

##### Rationale:

The unmanned aerial vehicles regulation was passed in 2019 without any time restrictions regarding usage during open hunting seasons. During deer committee discussions in 2021, law enforcement recommended adding a time component to this regulation to allow the use of drones when a person was not intending to go hunting within that calendar day. The addition of this time component (calendar day) now clarifies the intent of the original regulation.